

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 31616 of 2006(L)

PETITIONER:

K.A.ABDUSSALAM,
PROPRIETOR, M/S.BARODA TRADING CO.,
VENKULAM, O.K. MURI PO., MALAPPURAM DIST.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:

1. SUPERINTENDENT OF POLICE,
MALAPPURAM.
2. STATION HOUSE OFFICER,
VENGARA POLICE STATION, MALAPPURAM.
3. ARUN JAIN,
PROPRIETOR OF M/S.ARUN TRADERS,
SARABHA NAGAR, PATHANKOT ROAD, JALANDHAR,
PUNJAB.

R1 & 2 BY GOVT. PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

W.P.C.No. 31616 of 2006 L

Dated this the 3rd day of January, 2007

JUDGMENT

The grievance of the petitioner is that the police is not taking proper and effective action on Ext.P1 complaint lodged by him before the 1st respondent. He submits that an F.I.R. ought to have been registered.

2. Notice was given to the Prosecutor. The 1st respondent has filed a statement. A copy thereof is placed before me for my perusal. It reveals that no crime was registered as Ext.P1 complaint did not reveal the commission of any cognizable offence.

3. In the nature of the contentions, Ext.P1 was perused closely. The crux of the grievance made in Ext.P1 is that the 3rd respondent has not made payment of the price of goods supplied to him. The documents relating to the consignment were given to the 3rd respondent and the consignment was delivered directly to him without insisting for any payment.

4. It follows that the precise grievance is of non-payment of money for the goods supplied. Accepting the averments as a whole,

it is impossible to decipher any allegation of commission of any cognizable offence. I am, in these circumstances, satisfied that the respondent police is justified in not registering a crime on the basis of Ext.P1 complaint.

5. This Writ Petition is accordingly dismissed.

(R. BASANT)
Judge

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